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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/451,870

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

01/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |                                   |  |
|------------------------------|---------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/451,870  | <b>Applicant(s)</b><br>ITO ET AL. |  |
|                              | <b>Examiner</b><br>Michael Van Handel | <b>Art Unit</b><br>2623           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14, 102 and 104-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 102 and 104-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/20/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 10/30/2007. Claims **14, 102, 104-107** are pending. Claims **104-107** are amended. Claims **1-13, 15-101, 103** are canceled.

### ***Response to Arguments***

1. Applicant's arguments regarding claims **104, 106, and 107**, filed 10/30/2007, have been fully considered, but they are not persuasive.

Regarding claims **104, 106, and 107**, the applicant argues that Shoff et al. fails to disclose or suggest customizing a user layout for displaying the generated plural images and the generated character image in accordance with a user instruction, in combination with registering the user layout, which is customized by said layout changer, corresponding to the program ID, and storing a plurality of user layout data, each of which represents a registered user layout, registered by said layout setter, by indicating a position of displaying each image and each of

which corresponds to a respective program ID (with synthesizing based on user layout data or basic layout as claimed). The examiner respectfully disagrees. As noted in the Office Action mailed 9/27/2007, Shoff et al. discloses an interactive entertainment system that enables presentation of supplemental interactive content along side traditional broadcast video programs, such as television shows and movies. A viewer computing unit is located at the viewer's home to present the program and supplemental content to a viewer. When the viewer tunes to a particular channel, the viewer computing unit determines if the present program carried on the channel is interactive. If it is, the viewer computing unit launches a browser. The browser activates a target resource containing the supplemental content for enhancing the broadcast program. The target resource contains display layout instructions prescribing how the supplemental content and the video content program are to appear in relation to one another when displayed. When the data from the target resource is downloaded, the viewer computing unit is responsive to the layout instructions obtained from the target resource to display the supplemental content concurrently with the video content program (see Abstract).

Shoff et al. discloses that the program and supplemental content are displayed as prescribed by the display layout (col. 11, l. 48-49). The display layout changes in response to viewer selection of a soft button, as is the case causing the display layout to change from Figs. 8b to 8c (col. 11, l. 56-59 & Figs. 8b, 8c). When the display layout is changed, the viewer computing unit re-sizes and/or reshapes the program boundary 210 and location of the supplemental content to achieve the presentation envisioned by the content developer (col. 11, l. 51-55). The examiner notes that the supplemental content includes text, graphics, video, picture, sound, or other multimedia types (col. 5, l. 16-18). Figure 8c illustrates a screen with video

content (program), picture data (merchandise picture), character data (program title, clothes, posters, merchandise description, etc.), etc. (Fig. 8c). The screen is generated in response to user selection of soft button 217 (col. 11, l. 12-24, 56-59). As such, the examiner interprets this as “a layout changer, arranged to customize a user layout for displaying the generated plural images and the generated character image in accordance with a user instruction,” as currently claimed. Shoff et al. further discloses a remote control handset for controlling the set-top box (STB) 26 (col. 4, l. 27-29 & col. 9, l. 54-56). When a user selects soft button 217 with the remote control handset, the display layout is changed (col. 11, l. 56-59). As such, the examiner interprets the remote control handset to be “a layout setter, arranged to register the user layout, which is customized by said layout changer, corresponding to the program ID,” as currently claimed. Shoff et al. still further discloses that the digital data is deconstructed at the viewer computing unit to extract the timing information and the display layout from the supplemental content (col. 10, l. 34-58). The examiner notes that this display layout changes in response to viewer selections or automatically as part of the timing information (col. 11, l. 55-61). As such, the examiner interprets the viewer computing unit as having “a storage, arranged to store a plurality of user layout data, each of which represents a registered user layout, registered by said layout setter, by indicating a position of displaying each image, and each of which corresponds to a respective program ID,” as currently claimed. Shoff et al. also discloses that, upon tuning to a channel with associated supplemental content, the viewer computing unit can automatically activate the supplemental content (col. 9, l. 60-65 & Fig. 8b). In response to the user selecting a soft button, such as soft button 217, the user layout is changed, such as that shown in Fig. 8c

(col. 11, l. 56-59 & Fig. 8c). The examiner interprets this as synthesizing based on user layout data or basic layout, as currently claimed.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **14, 102, and 104-107** are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al.

Referring to claim **14**, Shoff et al. discloses an apparatus according to claim 104, further comprising a reproducer arranged to reproduce the display image generated by said synthesizer (col. 4, l. 22-34).

Referring to claim **102**, Shoff et al. discloses an apparatus according to claim 104, wherein the user layout further effects a change in audio output format (col. 5, l. 16-18 & col. 11, l. 15-18).

Referring to claims **104, 106, and 107**, Shoff et al. discloses an apparatus/method/program for receiving a television program, comprising:

- a receiver, arranged to receive a bit stream broadcasted as the television program, wherein the bit stream comprises multiplexed encoded image data (video stream and

- supplemental content) and encoded system data (timing information, display layout, tuned channel, time slot, text of hypertext document, etc.)(col. 4, l. 62-67; col. 5, l. 1-5, 12-32; col. 6, l. 7-22; col. 9, l. 8-19; & col. 10, l. 3-23, 34-58);
- a data demultiplexer, arranged to demultiplex the bit stream to the encoded image data and the encoded system data (col. 10, l. 18-24);
  - an image decoder 98, arranged to decode the encoded image data demultiplexed by said data demultiplexer to generate plural images (col. 10, l. 18-24 & Figs. 5-7);
  - a system data decoder (processor 92), arranged to decode the encoded system data demultiplexed by said data demultiplexer (col. 10, l. 3-17, 34-58);
  - a detector, arranged to detect at least a basic layout depending on the television program (the examiner notes that in tuning a particular television program, it is determined whether the program is interactive. If it is, the viewer computing unit automatically activates a target resource, resulting in a screen, such as that shown in Fig. 8b)(col. 8, l. 62-67; col. 9, l. 1-8, 60-65; & Fig. 8b), a program ID of the television program which is in the midst of being received (col. 8, l. 62-67; col. 9, l. 1; & Fig. 3), and a character command, from the decoded system data, wherein the character command indicates generation of a character image (the examiner notes that text is displayed according to a display layout)(col. 2, l. 6-8; col. 10, l. 34-58; col. 13, l. 17-21; & col. 14, l. 18-20), and wherein the program ID is uniquely specified for each television program (Fig. 3);
  - a character generator, arranged to generate a character image indicated by the detected character command using internal character data (the examiner notes that

HTML documents inherently include presentational markup elements that indicate how a web browser should render text, for instance, in bold)(col. 2, l. 6-8; col. 5, l. 23-48; & col. 12, l. 63-67);

- a layout changer (processor), arranged to customize a user layout for displaying the generated plural images and the generated character image in accordance with a user instruction (col. 10, l. 58-67; col. 11, l. 1-59);
- a layout setter (remote control handset), arranged to register the user layout, which is customized by said layout changer, corresponding to the program ID (when in the interactive screen illustrated in Fig. 8b, the user can select soft buttons 212-221, such as a program guide button 219)(col. 11, l. 34-38 & Fig. 8b);
- a storage, arranged to store a plurality of user layout data, each of which represents a registered user layout, registered by said layout setter, by indicating a position of displaying each image, and each of which corresponds to a respective program ID (the examiner notes that the supplemental content including the display layout is downloaded. The display layout is changed in response to viewer selection of a soft button)(col. 10, l. 18-24; col. 11, l. 48-59; & Fig. 8b);
- a determiner, arranged to determine whether or not the detected program ID is coincident with the program ID corresponding to the stored user layout data (the examiner notes that, while viewing the program guide, the user can tune to a different channel)(col. 8, l. 62-67; col. 9, l. 1-8; & col. 11, l. 36-38); and
- a synthesizer, arranged to synthesize the generated plural images and the generated character image based on the user layout data read out from said storage in



accordance with the detected program ID when said determiner determines that the program IDs are coincident (as long as the user does not tune to a different channel)(col. 11, l. 34-38), and to synthesize those images based on the basic layout when said determiner determines that the program IDs are not coincident (if the user tunes to a new interactive channel)(col. 11, l. 34-39), so that a display image of the television program is generated (Fig. 8b).

Referring to claim **105**, Shoff et al. discloses an apparatus according to claim 104, wherein said layout changer customizes a position and/or size of displaying the generated plural images and the generated character image individually (the examiner notes that clicking a soft button causes a change in the display, which causes size and shape changes in the program boundary and size, style, and location changes in the display of the supplemental content. Since the supplemental content is a hypertext document that defines text, graphics, video, picture, and sound objects as individual elements within the hypertext document, the examiner interprets the selection of a soft button as implicitly setting the position and/or size of the video program, supplemental content, and text individually)(col. 10, l. 34-58 & col. 11, l. 56-59).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600